

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JASON K. LATIMORE,  
Plaintiff,

v.

CIVIL ACTION NO.  
14-13378-MBB

SUFFOLK COUNTY HOUSE OF CORRECTION, et al.,  
Defendants.

**ORDER**

**March 3, 2016**

**BOWLER, U.S.M.J.**

By Electronic Order dated January 8, 2016, plaintiff's motion to amend was granted. See 01/08/16 Electronic Order. Plaintiff's motion for issuance of warrant in rem was granted inasmuch as the Suffolk County Sheriffs Department agreed to accept service of behalf of defendant Kenneth Trotman and represents that he has consented to such service. Id.

At that time, the Court granted in part and denied in part plaintiff's motion to compel seeking to have this Court require defendants to serve an answer in conformity with Superior Court Rule 9. See 01/08/16 Electronic Order. Plaintiff was advised that the Federal Rules of Civil Procedure, as opposed to the Massachusetts state court procedural rules, apply in this action and the following deadlines were set: (1) motions to amend the pleadings, including to join any additional parties, to be filed on or before February 19, 2016; (2) completion of fact discovery and the filing of any discovery motion to be filed on or before

June 20, 2016; and (3) summary judgment motions to be filed no later than July 15, 2016. Id.

Based upon the foregoing, it is hereby ORDERED that:

1. The Clerk shall enter plaintiff's proposed amended complaint (ECF #25-1) on the docket as the operative pleading.
2. The Clerk shall issue summonses for service of the amended complaint on defendants Kenneth Trotman and Ryan Dorgan.
3. The Clerk shall send the summonses, amended complaint, and this Order to the plaintiff, who must thereafter serve the defendants in accordance with Federal Rule of Civil Procedure 4(m).<sup>1</sup>
4. The plaintiff may elect to have service made by the United States Marshals Service. If directed by the plaintiff to do so, the United States Marshals Service shall serve the summonses, amended complaint, and this Order upon defendants Kenneth Trotman and Ryan Dorgan, in the manner directed by the plaintiff, with all costs of service to be advanced by the United States. The plaintiff shall have 90 days from the date of this Order to complete service.
5. In the alternative, plaintiff may choose to offer the defendants the option to waive service of the summons. See Fed. R. Civ. P. 4(d). If so, plaintiff shall follow the instructions and send defendants the forms for waiver of service of summons. The clerk shall provide plaintiff with the waiver forms as well as the USM-285 forms.

SO ORDERED.

/s/ Marianne B. Bowler  
**MARIANNE B. BOWLER**  
United States Magistrate Judge

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<sup>1</sup>The Suffolk County Sheriffs Department has agreed to accept service on behalf of defendant Kenneth Trotman (c/o Maria F. Romero-Carbone, General Counsel's Office for the Suffolk County Sheriff).